

**REMARKS**

This application was originally filed on 31 December 2001 with forty five claims, five of which were written in independent form. Claims 2, 4-11, 16-17, and 19-45 have been canceled as being directed to an unelected invention. Claim 1 has been amended. No claims have been allowed.

Claim 1 was provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-23 of copending U.S. Patent Application No. 10/038,813. Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-42 of copending U.S. Patent Application No. 09/886,781. Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0012744 to Miller *et al.* Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,335,224 to Peterson *et al.* Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,923,995 to Kao *et al.*

Claim 1 has been amended to recite, "distributing said material using ultrasonic energy." The prior art of record does not appear to show, teach, or suggest this limitation in combination with the additional elements of Claim 1.

Claims 3, 12-15, and 18 have been rejected under 35 U.S.C. § 102 and 35 U.S.C. § 103 using a variety of references. Claims 3, 12-15, and 18 depend from Claim 1 and should be deemed allowable for that reason and on their own merits. For the reasons argued above with respect to Claim 1, the prior art does not appear to show, teach, or suggest the limitations of the base claim, much less the limitations of the base claim in combination with the additional

limitations of the dependent claims.

In view of the amendments and the remarks presented herewith, it is believed that the claims currently in the application accord with the requirements of 35 U.S.C. § 112 and are allowable over the prior art of record. Therefore, it is urged that the pending claims are in condition for allowance. Reconsideration of the present application is respectfully requested.

Respectfully submitted,



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